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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,929	12/11/2003	Andrew G. Berezowski	SYS-P-1250 (8364-90587)	8588
7590 09/08/2005			EXAMINER	
Patent Services Group Honeywell International, Inc. 101 Columbia Road P.O. Box 2245 Morristown, NJ 07962			PHAM, LAM P	
			ART UNIT	PAPER NUMBER
			2636	
DATE MAILED: 09/08/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/733,929	Applicant(s) BEREZOWSKI ET AL.	
	Examiner Lam P. Pham	Art Unit 2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 20-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-34 is/are rejected.
- 7) ☒ Claim(s) 35-39 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 20-22, 24-25, 27-29 rejected under 35 U.S.C. 102(b) as being anticipated by Melnik (US 6046978).

**Regards claim 20**, Melnik disclose a system comprising:

a plurality of spaced apart nodes, the nodes communicate via a medium;

at least one of the nodes includes a receiver of wireless communications from a displaced source and circuitry for determining that the at least one node is not a final recipient of the received communication as seen in figures 1-4; col. 1, lines 14-67; col. 2, lines 1-67; col. 8; lines 8-67; col. 9, lines 1-67; **col. 10, lines 1-67**; col. 11, lines 1-67; col. 12, lines 1-67; col. 13, lines 1-67; col. 14, lines 1-67.

**Regards claim 21**, Melnik discloses the nodes each include circuitry for communicating with one another via the medium (RF) as seen in col. 2, lines 22-35.

**Regards claim 22**, Melnik discloses at least some of the nodes include at least one ambient condition sensor as seen in col. 2, lines 36-45.

**Regards claim 24**, Melnik discloses including a common control element (building computer, BC) as seen in Figures 2-3; col. 1, lines 26-30.

**Regards claim 25**, Melnik discloses at least some of the nodes (repeaters) include circuitry for distinguishing received communications for nodes from those for the common control element as seen in col. 6, lines 61-67, col. 7, lines 1-10; col. 10, lines 52-67.

**Regards claim 27**, Melnik discloses members of a plurality of the nodes each includes a receiver of wireless communications from a displaced source and circuitry for determining that the at least one node is not a final recipient of the received communication and circuitry for forwarding the received communication to at least one additional node as seen in col. 6, lines 61-67; col. 7, lines 1-10; col. 10, lines 52-67; col. 11, lines 1-8; col. 14, lines 20-60.

**Regards claim 28**, Melnik discloses the members of the plurality includes circuitry for forwarding the received communication to a second plurality of nodes as seen in col. 6, lines 61-67 and col. 14, lines 20-60.

**Regards claim 29**, Melnik disclose the at least one additional node is a common control node (BC) for upstream communication as seen in figures 2-3.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 23, 26, 30-39 rejected under 35 U.S.C. 103(a) as being unpatentable over Melnik.

**Regards claim 23**, Melnik fails to disclose at least some of the sensors are selected from a class includes smoke sensors, gas sensors, flame sensors, thermal sensors, location sensors, and movement sensors. Since, Melnik discloses the building control network environment, it would have been obvious to one of ordinary skilled in the art to alternatively use sensor selected from a class includes heat sensors, flame sensors, smoke sensors, gas sensors, thermal sensor, location sensor or movement sensors as these are well known sensors inside a building.

**Regards claim 26**, Melnik fails to disclose at least some of the nodes comprise manually operable fire indicating units. In building environment, it includes heat sensors, flame or fire sensors, movement sensors and many others including manually operable fire indicating units. Thus, it would have been obvious to one of ordinary skilled in the art to include in the nodes manually operable fire indicating units in order to report building conditions to monitor station.

**Regards claim 30**, Melnik discloses a system comprising:

a plurality of spaced apart nodes, the nodes each include communications circuitry and communicate with one another via a medium;

at least some of the nodes each include a receiver of wireless communications from a displaced source and circuitry for determining if the respective receiving node is a final recipient of a received communication where,

at least some of the nodes include at least one sensor selected from a class includes occupant status, ambient lighting, and dimming/lighting level sensors which with one (BC) of the nodes comprising a common control element as seen in figures 1-4; col. 1, lines 14-67; col. 2, lines 1-67; col. 8, lines 8-67; col. 9, lines 1-67; **col. 10, lines 1-67**; col. 11, lines 1-67; col. 12, lines 1-67; col. 13, lines 1-67; col. 14, lines 1-67.

However, Melnik fails to disclose the sensor selected from a class includes heat sensors, flame sensors, smoke sensors and gas sensors. Since, Melnik discloses the building control network environment, it would have been obvious to one of ordinary skilled in the art to alternatively use sensor selected from a class includes heat sensors, flame sensors, smoke sensors and gas sensors as these are well known sensors inside a building.

**Regards claim 31**, Melnik discloses including a common control element (building computer BC) coupled to at least some members of the plurality via the medium as seen in figures 2-3; col. 1, lines 26-50 and col. 2, lines 22-50.

**Regards claim 32**, Melnik disclose nodes comprise the receiver of wireless communications includes a second sensor of incident radiant energy (ambient lighting sensor, dimming/light level sensors).

**Regards claim 33**, Melnik fails to disclose the second sensor is responsive to incident infrared-type signals. However, it would have been obvious to one of ordinary skilled in the art to alternatively incorporate an incident infrared- type signals as infrared energy signals are well known in building environment for detecting intrusion or movement.

**Regards claim 34**, Melnik fails to disclose a portable source of radiant energy signals. A flashlight, a portable light source are considered to be available within the building environment as a person walks around the building, thus, it would have been obvious to one of ordinary skilled in the art to includes a portable source of radiant energy signals including a flashlight or plug-in lights.

***Allowable Subject Matter***

5. Claims 35-39 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Williams et al. (US 5982291) disclose an electric fence security system.

Schanker et al. (US 5448230) disclose a remote data acquisition and communicating system.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lam P. Pham whose telephone number is 571-272-2977. The examiner can normally be reached on 9AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery A. Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lam Pham  
August 30, 2005.



JEFFERY HOPSASS  
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